



U.S. Department of Justice

United States Attorney
District of Massachusetts

Main Reception: (413) 785-0235
Fax: (413) 785-0394

Federal Building & Courthouse
Main Street, Room 310
Springfield, Massachusetts 01103

July 28, 2005

C. Jeffrey Kinder, Esq.
64 Gothic Street
Northampton, MA 01060

Re: United States v. Jose Rodriguez
Criminal No. 05-30034-MAP

Dear Attorney Kinder:

In accordance with the government's discovery obligations pursuant to Local Rule 116.1(C) and 116.2(B) and Fed. R. Crim. P. 16(a)(1), I am providing you with the following response to your discovery letter dated July 25, 2005.

1. The government declines to provide Jencks Act material early but rather will provide those materials in accordance with 18 U.S.C. § 3500 and L.R. 116.
2. Other than the material required by L.R. 116.2(B)(1) which was provided to you with the automatic discovery, the government declines to provide impeachment material early but rather will provide it pursuant to the schedule set forth in L.R. 116.2(B)(2).
3. As set forth in the government's automatic discovery letter, the government will make available for inspection and/or copying all of the evidence in its possession, including items seized pursuant to search warrants if any, which it intends to use at trial at a mutually convenient time and place.
4. The government does not currently intend to offer any evidence at trial pursuant to F.R.E. 404(b). If this changes, I will provide you with notice of the relevant evidence prior to trial.

5. There is no conspiracy charged in the above captioned indictment, therefore the government does not intend to introduce any statements pursuant to F.R.E. 801(d)(2)(E).
6. The government is unaware of the use of any pen registers or trap and trace devices in this case.
7. I previously provided you with the DEA-7 forms regarding the drug analyses relevant to the charges in the above referenced Indictment. I decline to provide you with the other documents you request which, to the extent they exist, are contained in the DEA file at the DEA laboratory.

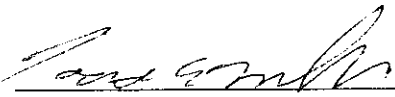
The consensual tapes/CD's have been copied and are available to be picked up in my office upon signing a receipt.

Please feel free to call me at (413) 785-0235 if you have any questions about the above information.

Very truly yours,

MICHAEL J. SULLIVAN
United States Attorney

By:


TODD E. NEWHOUSE
Assistant U.S. Attorney

Enclosures

cc: ✓ Bethany Healy,
Courtroom Clerk
Hon. Kenneth P. Neiman
United States Magistrate Judge
(w/o enclosures);